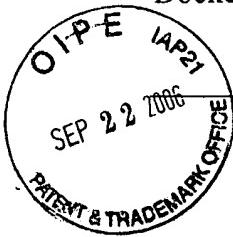


*SFW*

Please Direct All Correspondence to Customer Number 20995



### AMENDMENT / RESPONSE TRANSMITTAL

Applicant : John Guthrie  
 App. No : 10/616,411  
 Filed : July 8, 2003  
 For : METHOD AND SYSTEM FOR  
       TAKING A DATA SNAPSHOT  
 Examiner : C. L. Daye  
 Art Unit :

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

*9/19/06*

(Date)

*[Signature]*  
Thomas R. Arno, Reg. No. 40,490

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- Power of Attorney and Copy of Assignments.
- Return prepaid postcard.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

*[Signature]*  
 Thomas R. Arno  
 Registration No. 40,490  
 Attorney of Record  
 Customer No. 20,995  
 (619) 235-8550

OVERLND.158A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John Guthrie )  
App. No. : 10/616,411 )  
Filed : July 8, 2003 )  
For : METHOD AND SYSTEM FOR )  
TAKING A DATA SNAPSHOT )  
Examiner : C. L. Daye )

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ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignments of the above-captioned application from the inventor(s) to the Assignee are attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

App. No. : 10/616,411  
Filed : July 8, 2003

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Overland Storage, Inc.

Dated: July 24, 2006

By: V.A. Lotorti

Name: Vernon A. Lotorti

Title: VP & CFO

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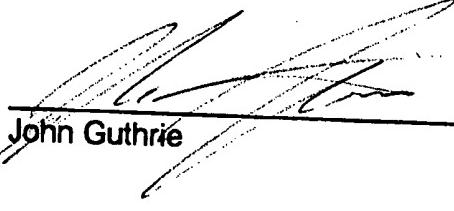
**ASSIGNMENT**

THIS ASSIGNMENT is by John Guthrie (the "Assignor"), residing at 17311 135<sup>th</sup> Avenue NE, B900, Woodinville, Washington 98072. The Assignor has invented one or more certain inventions (the "Invention(s)") described in a United States Patent Application entitled **METHOD AND SYSTEM FOR TAKING A DATA SNAPSHOT** (the "Application") and  executed concurrently herewith; or  filed on July 8, 2003 as Application No. 10/616,411. The Assignor authorizes the Assignee, identified below, or its representatives to insert the application number of the Application when known.

Zetta Systems, Inc., a corporation of the State of Washington having a place of business at 17311 135<sup>th</sup> Avenue NE, B900, Woodinville, Washington 98072 ("Assignee"), desires to acquire the entire right, title and interest in and to the Invention(s) and the Application, and in and to any patents (collectively, "Patents") that may be granted for the Invention(s) in the United States or in any foreign countries.

For valuable consideration, the receipt and sufficiency of which Assignor acknowledges, Assignor hereby sells, assigns, and transfers to Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to: the Invention(s), the Application, and any Patents; any divisions, continuations, and continuations-in-part of the Application and any other application claiming priority rights from the Application; any reissues, reexaminations, or extensions of any and all Patents; the right to file foreign applications directly in the name of Assignee; and the right to claim priority rights deriving from the Application (collectively, the "Rights"). Assignor warrants that he or she is the sole owner of the Rights, and that the Rights are unencumbered. Assignor also agrees to not sign any writing or do any act conflicting with this assignment, and, without further compensation, sign all documents and do such additional acts as Assignee deems necessary or desirable to perfect Assignee's enjoyment of the Rights; prepare and prosecute the Application or any other applications for Patents; conduct proceedings regarding the Rights, including any litigation or interference proceedings; or perfect or defend title to the Rights. Assignor requests the Commissioner of Patents to issue any Patent of the United States that may be issued on the Invention(s) to Assignee.

Date: 12/15/2003

  
John Guthrie

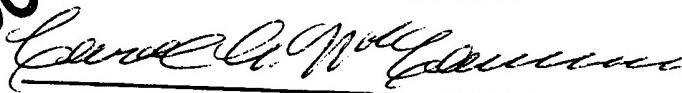
STATE OF WASHINGTON

COUNTY OF SNOHOMISH

On 12/15/03 before me,

personally appeared John Guthrie, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

**DO NOT RECORD**  
WITNESS my hand and official seal.



Signature

(Seal)

SNOHOMISH  
COMM EXP: 12/9/05

## ASSIGNMENT

WHEREAS, Zetta Systems, Inc., a Washington corporation, having offices at 4820 Overland Avenue, San Diego, CA 92123 (hereinafter "ASSIGNOR"), represents and warrants that it is the sole owner of the entire right, title, and interest to certain new and useful improvements for which ASSIGNOR has filed the following United States applications for Letters Patents in the United States (hereinafter "the Patent Applications"):

<u>Application No.</u>	<u>Filing Date</u>	<u>Title</u>
10/616,411	July 8, 2003	METHOD AND SYSTEM FOR TAKING A DATA SNAPSHOT

WHEREAS, Overland Storage, Inc., a California corporation having offices at 4820 Overland Avenue, San Diego, CA 92123 (hereinafter "ASSIGNEE") desires to purchase the entire right, title, and interest in and to the inventions disclosed in the Patent Applications;

NON-RECORD COPY  
NOWHERE TO BE FOUND

NOW, THEREFORE, in consideration of One Dollar (\$1.00) to ASSIGNOR, and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby further acknowledges that it has sold, assigned, and transferred, and by these presents does hereby sell, assign, and transfer, unto ASSIGNEE, its successors, legal representatives, and assigns, the entire right, title, and interest throughout the world in, to, and under the said improvements, and the said Patent Applications and all Patents that may be granted thereon, and all provisional applications relating thereto, and all divisions, continuations, reissues, reexaminations, renewals, and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent that may hereafter be filed for said improvements or for the said Patent Applications in any country or countries foreign to the United States; and ASSIGNOR hereby authorizes and requests the Commissioner of Patents of the United States, and any Official of any country foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements and all Letters Patents resulting from the Patent Applications to ASSIGNEE, its successors, legal representatives, and assigns, in accordance with the terms of this Agreement.

ASSIGNOR does hereby sell, assign, transfer, and convey to ASSIGNEE, its successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Patents before or after issuance;

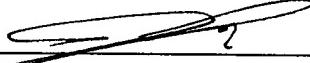
ASSIGNOR hereby covenants and agrees that it will communicate to ASSIGNEE, its successors, legal representatives, and assigns any facts known to ASSIGNOR respecting the Patent Applications immediately upon becoming aware of those facts, and that it will testify in any legal proceeding involving any of the Patent Applications, will sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and will generally do everything possible to aid ASSIGNEE, its successors, legal representatives, and assigns to obtain and enforce the Patent Applications in all countries.

Application No.: 10/616,411  
Filing Date: July 8, 2003

PATENT  
Client Code: OVERLND.158A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

Zetta Systems, Inc.

By: 

Name Printed: Christopher Calisi

Title: President + CEO

Date: 8/3/2004

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DO NOT COPY  
DO NOT RESEND